

Message

From: Vyas, Himanshu [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168695470BAD4E84B30E423089EFD6EA-VYAS, HIMANSHU]
Sent: 4/5/2022 4:07:57 PM
To: Barbery, Albert [albert.barbery@wv.gov]
CC: Anderson, Connie J [connie.j.anderson@wv.gov]
Subject: RE: WV Primacy & Public Participation

Okay, that's good to know. As I noted in the prior email, they can get a strat well permitted by WVDEP, but they should think through all the options and potential uses they want, because some uses come with more stringent construction and ongoing monitoring requirements compared to other uses, and so not all contemplated future uses would be compatible with what they permit at first, leading to potential cost and time overruns.

Himanshu Vyas
Environmental Engineer
U.S. EPA, Region III
Source Water & UIC Section (3WD22)
1650 Arch Street
Philadelphia, PA 19103-2029

Phone: 215-814-2112

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From: Barbery, Albert <albert.barbery@wv.gov>
Sent: Tuesday, April 05, 2022 12:00 PM
To: Vyas, Himanshu <vyas.himanshu@epa.gov>
Cc: Anderson, Connie J <connie.j.anderson@wv.gov>
Subject: Re: WV Primacy & Public Participation

Good afternoon Himanshu,

Yes, Shell is the company that had reached out to WVDEP with the inquiry on possible Class 6 wells and/or exploratory Class 5 wells to gather data.

Thank you,

Albert

Albert Barbery
Groundwater & UIC Programs
WVDEP - DWWMM
601 57th Street SE
Charleston, WV 25304
304-926-0499 x43769

On Tue, Apr 5, 2022 at 10:49 AM Vyas, Himanshu <vyas.himanshu@epa.gov> wrote:

That sounds like a good approach to be working with the Environmental Advocate's Office on incorporating EJ lens on future permitting activities.

Connie: I was made aware during our internal group call that Shell has been asking around in southwest PA bordering on WV for interested locations for Class VI wells. Since we are engaged with them there, in case they are the interested party in WV, please keep us in the loop.

Thanks,

Himanshu Vyas
Environmental Engineer
U.S. EPA, Region III
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From: Anderson, Connie J <connie.j.anderson@wv.gov>
Sent: Monday, April 04, 2022 9:43 AM
To: Vyas, Himanshu <vyas.himanshu@epa.gov>
Cc: Barbery, Albert <albert.barbery@wv.gov>
Subject: Re: WV Primacy & Public Participation

We read about this and our plan is to recommend an inter-departmental MOU with our Advocate's office for them to assist us with the EJ portion of public participation. We've been reviewing EPA's EJ Screening and Mapping Tool and plan to utilize it either by the MOU or within the UIC Program, depending on management's decision. We have a temporary employee (PHD - Chemistry) who happens to be the person reviewing the tool, and we are confident she'll apply for a permanent position, though of course, we can't predict what will happen about that at this point...but she is going to write briefly about the tool, and that the WVDEP will be using it in our reviews of any permit applications for Class VI wells.

Also, Albert has been communicating with you about an inquiry we received for exploration wells prior to your consideration of our upcoming application for primacy over Class VI. Can you please give us some feedback on that? Our management is asking for the status. Albert and I will recommend we go ahead with a Class VI permit for exploration only if the applicant abides by Class VI standards, since there was mention of possibly converting such well.

Comments?

Thanks

On Mon, Apr 4, 2022 at 9:28 AM Vyas, Himanshu <vyas.himanshu@epa.gov> wrote:

One further feedback I received from our HQ office regarding this query:

Do you know if WV does anything around environmental justice (EJ) in the UIC program writ large, and if you will be taking EJ into account in your Class VI program implementation? The current administration will be asking about it and the more we can tell them the easier it will be to get this rule through. I think if there is an EJ policy or guidance on the books in WVDEP you can probably reference it or use its wording in the program description you will submit as part of the rule package, explaining how WV intends to incorporate EJ ideas in Class VI permitting and compliance.

Himanshu Vyas
Environmental Engineer

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From: Barbery, Albert <albert.barbery@wv.gov>
Sent: Tuesday, March 29, 2022 10:19 AM
To: Vyas, Himanshu <vyas.himanshu@epa.gov>; Dyroff, Colin <dyroff.colin@epa.gov>; Bennett, James <bennett.james@epa.gov>
Subject: Re: WV Primacy & Public Participation

Thank you Himanshu,

I will check our procedures with Connie.

Albert

On Tue, Mar 29, 2022 at 10:15 AM Vyas, Himanshu <vyas.himanshu@epa.gov> wrote:

Good morning Albert,

Unless your regulatory procedures require you to make another public notice and provide for public hearing (on the occasion of submitting the rule to EPA), you already did your part last year when you had public notice and public hearing before submitting the draft rules package to your legislature. When you send the formal package to us, the HQ office will do their part and Region 3 will do ours—part of my responsibility will be to develop a Federal Register notice and prepare a public docket online—that will address the public participation at this stage of the process.

Himanshu Vyas
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From: Barbery, Albert <albert.barbery@wv.gov>
Sent: Tuesday, March 29, 2022 10:07 AM
To: Vyas, Himanshu <vyas.himanshu@epa.gov>
Subject: WV Primacy & Public Participation

For the Public Participation part of the update of WV's application for Primacy what else will WV DEP do?

Will we and/or EPA put the complete application out for Public Notice?

Assistance/clarification would be greatly appreciated.

Sincerely,

Albert

Albert Barbery

Groundwater & UIC Programs

WVDEP - DWWWM

601 57th Street SE

Charleston, WV 25304

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